



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**June 30, 2004**

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**SUBJECT:**            **NSA Wireless** [Applicant] **Pacific Gas and Electric Co.**  
[Owner]: Application for a 35,100 square foot site located at  
**602 E. Weddell Drive** in an R-0 (Low Density Residential)  
Zoning District (APN: 110-15-019):

Motion                **2004-0097- Variance** from Sunnyvale Municipal Code  
section 19.32.020 to allow an additional 6 feet and 8 inches  
to an existing 93 feet tall PG&E tower to accommodate  
relocation of existing antennae where a maximum 55 feet  
high structure is allowed.

**REPORT IN BRIEF**

**Existing Site**            PG & E towers

**Conditions**

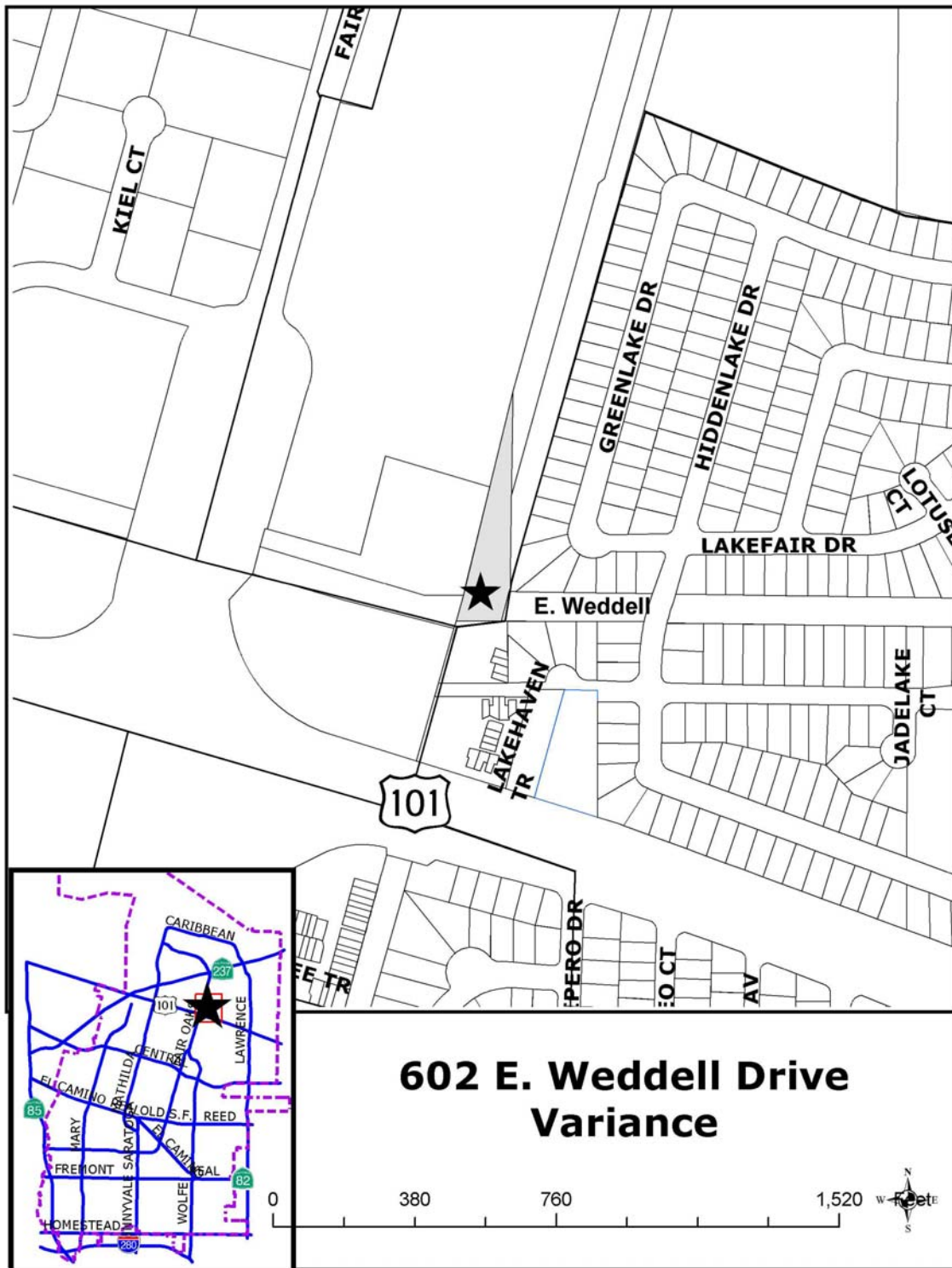
**Surrounding Land Uses**

North	Water District land, Mobile Homes, Single-Family Homes
South	Hetch-Hetchy parkway, Single-Family Homes, Apartments, Industrial Uses
East	Single-Family Homes
West	Mobile Homes, Industrial Uses

**Issues**                    Visual Impact on Surrounding Neighborhoods

**Environmental Status**            A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**            Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Low Density Residential	Same	N/A
<b>Zoning District</b>	R-0	Same	N/A
<b>Lot Size (s.f.)</b>	35,100	Same	6,000 min.
<b>Structure Height (ft.)</b>	93 ft.	99'-8"	55 ft. max.

**ANALYSIS****Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2000-0102	Co-location of three Sprint PCS panel antennae on existing PG&E tower.	Miscellaneous Plan Permit/Approved	6/26/00
2000-0036	Use Permit to locate telecommunications antennae on an existing PG&E tower.	Planning Commission/ Approved	3/27/00

**Description of Proposed Project**

The applicant is proposing a 6'-8" extension to a 93 ft. high PG&E tower to relocate three existing Sprint PCS antennae from the middle to the top of the tower. In addition to the existing Sprint PCS antennae, four Nextel antennae are located on the tower. The extension would have a lattice design that visually integrates with the existing tower.

Because the PG&E tower is located on Water District land, the applicant is not required to obtain a building a permit from the City of Sunnyvale for this project.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

**Variance**

**Use:** Three existing Sprint PCS antennae would be moved to the extension at the top of an existing PG&E tower.

**Site Layout:** The existing tower is located on a PG&E site, immediately adjacent to Hetch Hetchy and a mobile home park.

**Easements:** The subject site is located within a Santa Clara Valley Water District (SCVWD) easement. Projects within 50 ft. of a SCVWD easement typically require an encroachment permit. SCVWD reviewed the proposed project and determined that no permit is required because the project would not impact District facilities.

**Transportation Impact Fee**

No transportation impact fee is required for this project.

**Compliance with Development Standards**

With the exception of structure height, the proposed project meets all applicable development standards. The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however; the city discourages the development of “antenna farms” or the clustering of multiple antennas on a single monopole, tower or other elevation, unless the site is determined to be suitable based on the following factors:

(1) Compliance with all FCC RF emission standards;

- *This project meets all FCC RF emissions standards.*

(2) Visibility from residentially zoned property;

- *This extension would not be noticeably visible from residentially zoned properties.*

- (3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;
- *This project is not visible from any freeway, Mathilda Avenue or Central Expressway.*
- (4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive; and
- *This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*
- (5) Lack of aesthetically preferable feasible alternatives.
- *The project makes use of an existing PG&E tower, and no new antennae would be installed. Because the antennae the applicant wishes to relocate are already existing on the tower, staff believes that the proposed project is the best alternative.*

In order to grant the Variance, three findings must be made. Staff was able to make these findings (see Attachment 1).

### **Expected Impact on the Surroundings**

There are several PG&E towers located on the project site. The 6'-8" extension of the subject tower would not create a significant visual impact. No other impact on surrounding properties is expected.

### **Recommended Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Variance.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

Staff received two phone calls from neighboring residents concerned about their proximity to telecommunications antennae. Staff explained that the antennae to be relocated have been on the tower for approximately two years, that no new antennae would be added, and that the project meets FCC RF emissions standards.

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 309 notices mailed to adjacent property owners and tenants of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Alternatives**

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1. Approve the Variance.
2. Approve the Variance with conditions.
3. Deny the Variance.

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**Recommendation**

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Alternative 1.

Prepared by:

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Christine Cannizzo  
Project Planner

Reviewed by:

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Diana O'Dell  
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Santa Clara Valley Water District

**Recommended Findings - Variance**

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1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

The predominant use in R-0 Zoning Districts is single-family homes. It is unusual to have PG&E towers located in an R-0 Zoning District. If the PG&E tower were located in an M-S Zoning District (Industrial and Services), the tower with the proposed extension would meet the maximum allowable height of 100 feet and would not require a Variance. Given the unusual circumstance of the location of this site in an R-0 Zoning District, staff was able to make this finding.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

Staff is able to make this finding based on requirements to locate telecommunications antennae where they would have the least visual and operational impact on the community. In this case, the antennae and ground equipment have been on the site for over two years with no reported adverse impacts. In addition, the PG&E tower is located among a row of PG&E towers, so the extension above the tower would not be visually perceptible.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Development standards for the R-0 Zoning District are intended for the design of single-family homes, and were not designed to address structures such as PG&E towers typically not located in the R-0 Zoning District. The typical height of a PG&E tower is 93 feet. Without the extension, the subject PG&E tower already exceeds the maximum structure height allowed in R-0 Zoning Districts. Therefore, staff finds that adding 6'-8" to the existing tower doesn't violate the intent of the ordinance.



**Recommended Conditions of Approval - Variance**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be subject to approval by the Director of Community Development.
2. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
3. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
4. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
5. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
6. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
  - (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
  - (b) Name, address and telephone number of a local contact person for emergencies.
  - (c) Type of service provided.

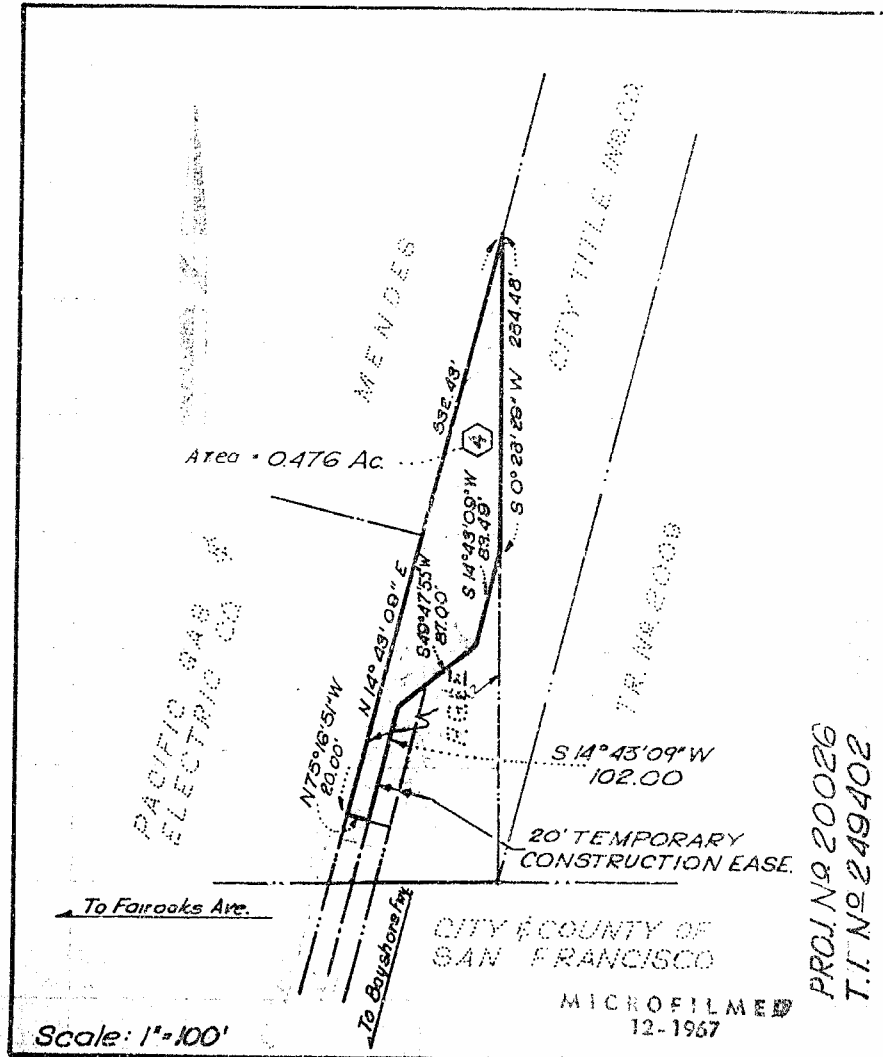
7. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
9. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
10. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
11. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
12. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

13. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennae, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.



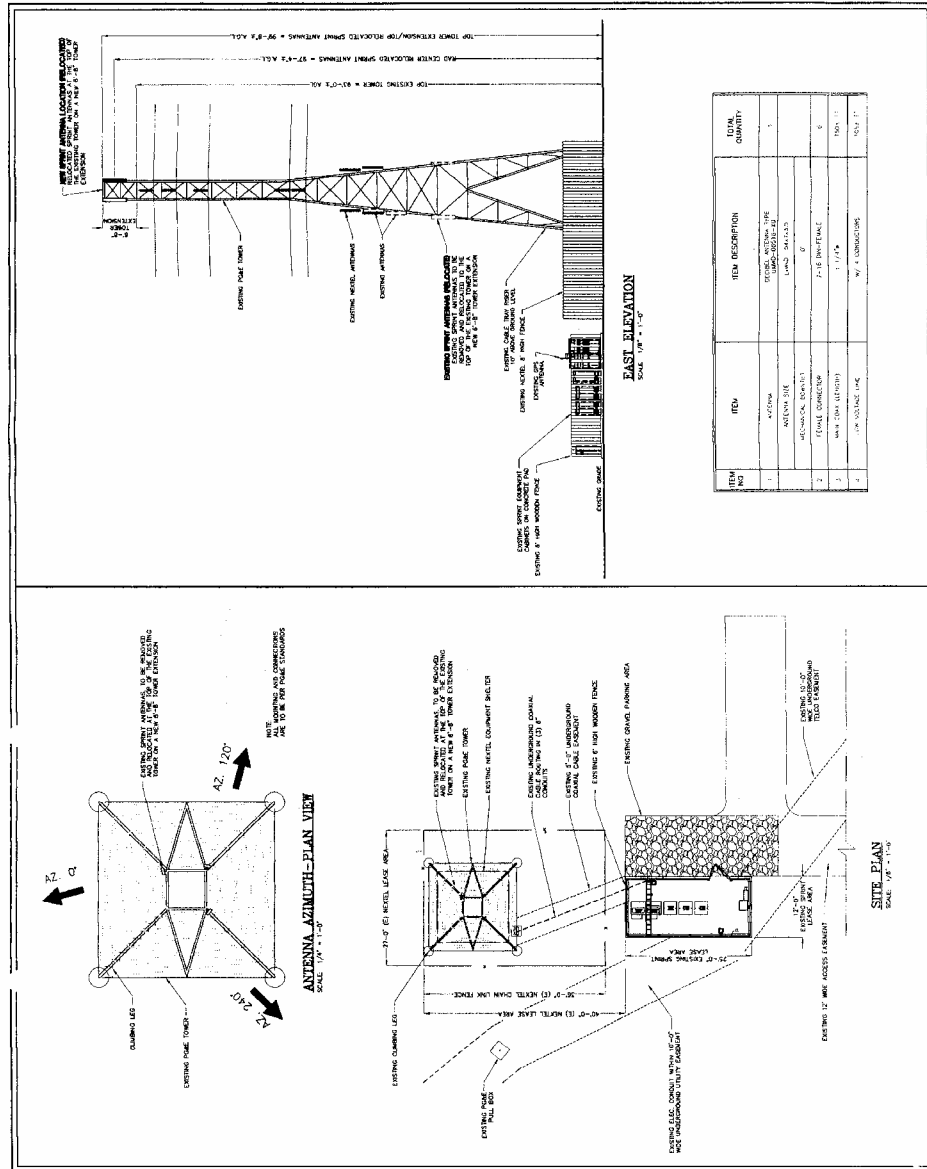
ATTACHMENT 3

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EASEMENT



PG. 2 OF 3

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ATTACHMENT 4

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JUN 07 2004

PLANNING DIVISION

5750 ALMADEN EXPWAY  
SAN JOSE, CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.vallewater.org  
AN EQUAL OPPORTUNITY EMPLOYER

File: 26031  
Sunnyvale East Outfall

May 25, 2004

NSA Wireless, Inc.  
Attention: Mr. Steve Story  
2603 Camino Ramon, Suite 170  
San Ramon, CA 94583

Subject: Sprint PCS Substation Facility Relocation

Dear Mr. Story:

Santa Clara Valley Water District (District) staff received plans for the subject project on May 7, 2004.

The scope of the project consists of moving an existing Sprint PCS antenna to a higher elevation on an existing PG&E tower. The proposed work is adjacent to District easement and within 50 feet of the District's Sunnyvale East Outfall.

The nature of the work will not impact the District's facilities and, therefore, does not require a permit.

If you have any questions or comments, please call me at (408) 265-2607, extension 3135. Please reference District File No. 26031 on future correspondence regarding this project.

Sincerely,

Wendy Allison  
Assistant Engineer  
Community Projects Review Unit

cc: B. Goldie, S. Tippetts, U. Chatwani, W. Allison, File (2)  
wa:lm  
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